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EXAMINER	
BOYCE, ANDRE D	
ART UNIT	**PAPER NUMBER**
3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/407,664	KEELEY, THOMAS M.	
	Examiner	Art Unit	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *40-47,49-56,58-64,67-74 and 76-79* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *40-47,49-56,58-64,67-74 and 76-79* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Final Office action is in response to Applicant's amendment filed July 21, 2005. Claims 40, 50, 53, 59, 67, 69, 70, 74, and 79 have been amended. Claims 48, 57, 65, 66, and 75 have been canceled. Claims 40-47, 49-56, 58-64, 67-74, and 76-79 are pending.

2. The previously pending objection to claim 65 has been withdrawn.

The previously pending rejections to claims 50-58 are rejected under 35 U.S.C. 101 have been withdrawn,

3. Applicant's arguments filed July 21, 2005 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 67 and 68 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter.

Independent claim 67 recites a computer memory comprising a status message, stored in computer memory. This is still considered non-functional descriptive material, since storing in computer memory is not considered embodied on a tangible medium.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 40-47, 49, 59, 61-64, 69-74, 76, 78, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogushi et al (USPN 6,385,497), in view of Shigematsu et al (USPN 5,432,715) in further view of Martinez et al (USPN 5,956,665).

As per claim 40, Ogushi et al disclose a factory automation system for providing status information on at least one factory automation component comprising: a factory automation component distributed by a first party (i.e., industrial equipment installed at a remote location, column 1, lines 35-38); the component residing at a

site location of a second party (i.e., equipment installed at a remote location, column 1, lines 35-38); and the component communicating status information to the first party wherein the first party compiles the status information from the component and utilizes the status information to the benefit of the second party (i.e., remote maintenance system between two parties, wherein the status is communicated to the first party to benefit the second party, column 1, lines 35-43), the status information comprises first party site address information (i.e., e-mail address of host computer 108, column 4, lines 25-30 and vendor URL information, figure 5), component type information (i.e., model of equipment, including the serial number, column 4, lines 14-17), second party site information (i.e., host computer 107 in factories 102 to 104, column 3, lines 15-18), component health information (i.e., operating state of the equipment, column 3, lines 46-50), and the server site of the first party communicates version upgrade information to the component (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1).

Ogushi et al does not explicitly disclose component source information. Shigematsu et al disclose a message transmitting unit of computer 4-1, that transmits important message data 24-1 to the monitoring computer 2, including the address of the computer 4-1 (column 9, lines 53-61).

Neither Ogushi et al nor Shigematsu et al explicitly disclose version information from the component. Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the

component via version number (column 2, lines 59-65). Ogushi et al, Shigematsu et al, and Martinez et al are concerned with effective remote monitoring and determination of operational status of components. Further, Ogushi et al disclose the status information including a broad range of items (column 4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to explicitly include version number in Ogushi et al, as seen in Martinez et al, as an effective means of determining the most updated information relating to the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more robust.

As per claim 41, Ogushi et al does not explicitly disclose wherein the status information is periodically communicated by the component directly to the first party (computer 107 periodically monitors the operating states of equipment 106 and communicates the information to vendor 101, column 3, lines 47-54).

As per claim 42, Ogushi et al disclose the first party is a vendor and/or service supplier of the component (vendor 101, column 2, lines 59-63).

As per claim 43, Ogushi et al disclose the second party is a purchaser of the component and the site location is a factory of the purchaser where the component resides (factories 102-104, column 3, lines 4-6).

As per claim 44, Ogushi et al disclose the component health information to the first party from the location site of the second party (i.e., operating state including occurrence of trouble is sent to the first party from the location site of the second party, column 3, lines 47-54).

As per claim 45, Ogushi et al disclose the health information is selected from the group consisting of a component failure, a component degradation and a component out of calibration (i.e., maintenance is defined as any trouble with the industrial equipment that would need maintenance personnel to resolve the trouble, including component failure, degradation and calibration, column 1, lines 8-12).

As per claim 46, Ogushi et al disclose the site of the first party communicated patch information to the component in response to health information from the component (i.e., host computer 108 notifies host computer 107 in factory of response about countermeasure, column 6, lines 9-19).

As per claim 47, Ogushi et al disclose the component includes a self-diagnosis device (i.e., computer 107 receives status information about operating state from the equipment in trouble, column 3, lines 61-62).

As per claim 49, Ogushi et al discloses the server site of the first party transmits a signal to the component in response to status information from the component that initiates an action by the component (i.e., computer 108 notifies computer 107, which has reported the trouble, of response information about the countermeasure, via the internet 105, column 4, lines 51-56).

As per claim 59, Ogushi et al discloses a method of providing a status information to a vendor on at least one factory automation component sold by the vendor to at least one customer (vendor 101 providing equipment to factories, column 2, lines 59-63), comprising the steps of: locating at least one component at a site of at least one customer (industrial equipment 106 at factories 102-104, column

3, lines 4-6); connecting the at least one component to a network connected to a server of the vendor (LAN for connected to computer 107, which is connected to computer 108 via the internet, column 3, lines 10-12 and 15-18); communicating component status information from the at least one component to the server of the vendor (computer 107 monitors equipment 106 and notifies vendor 101 of trouble state, column 3, lines 47-54); the status information comprises vendor site address information (i.e., e-mail address of host computer 108, column 4, lines 25-30 and vendor URL information, figure 5), and customer site information (i.e., host computer 107 in factories 102 to 104, column 3, lines 15-18), outputting the customer identification information and component status and location information to the vendor (i.e., computer 107 obtains status information about operating state of the ith equipment and informs vendor 101, column 3, lines 58-64), and the server communicates version upgrade information to at least one component (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1).

Ogushi et al does not explicitly disclose component source address information, and searching a database located on the server of the vendor for customer identification and component location information corresponding to the status information of the at least one component. Shigematsu et al disclose a message transmitting unit of computer 4-1, that transmits important message data 24-1 to the monitoring computer 2, including the address of the computer 4-1 (column 9, lines 53-61), thus disclosing transmitting the location of the monitored component.

Further, Ogushi et al disclose computer 108 searching the trouble database for managing the maintenance of the equipment of each factory (i.e., component location) based upon status information (column 4, lines 40-43). As such, it would have been obvious to search the database, based upon both customer identification and component location, since Ogushi et al discloses searching the database with reference to a particular set of equipment associated with each factory.

Neither Ogushi et al nor Shigematsu et al explicitly disclose version information from the component. Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the component via version number (column 2, lines 59-65).

Ogushi et al, Shigematsu et al, and Martinez et al are concerned with effective remote monitoring and determination of operational status of components. Further, Ogushi et al disclose the status information including a broad range of items (column 4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to explicitly include component source and version number of the component in Ogushi et al, as seen in Shigematsu et al and Martinez et al, respectively, as an effective means of determining the most updated information and source location relating to the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more robust.

As per claim 61, Ogushi et al disclose communicating a signal to at least one component from the server in response to the component status information that initiates an action to at least one component (i.e., computer 108 notifies computer

107, which has reported the trouble, of response information about the countermeasure, via the internet 105, column 4, lines 51-56).

As per claim 62, Ogushi et al disclose the server determines if the at least one component has enabled the at least one component to receive communication from the server (i.e., computer 107 enables communication from equipment 106 to vendor computer 108, column 3, lines 10-16).

As per claim 63, Ogushi et al disclose the status information includes component health information of the at least one component (i.e., operating state including occurrence of trouble is sent to the first party from the location site of the second party, column 3, lines 47-54).

As per claim 64, Ogushi et al disclose the server communicates patch information to the component in response to health information from the component (i.e., host computer 108 notifies host computer 107 in factory of response about countermeasure, column 6, lines 9-19).

As per claim 69, Ogushi et al disclose an internet business communication system (remote maintenance system, column 1, lines 35-38) including: means for receiving factory automated component status information over the Internet (computer 107 communicates status information to computer 108 via internet 105, figure 1); the status information comprises customer site information (i.e., factories 102-104, figure 2), component type information (model of the equipment 401, figure 5), vendor site address (i.e., e-mail address of host computer 108, column 4, lines 25-30 and vendor URL information, figure 5), the status information including the

information relating to the health of the component wherein the component is located at a site location of a customer and communicates status information to a site vendor (i.e., operating state including occurrence of trouble is sent to the first party from the location site of the second party, column 3, lines 47-54), and the server communicates version upgrade information to at least one component (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1).

Ogushi et al does not explicitly disclose component source address information, and searching a database located on the server of the vendor for customer identification and component location information corresponding to the status information of the at least one component. Shigematsu et al disclose information transmitted by the monitored computer including name information used for identifying the plurality of computers (column 11, lines 21-25). Further, Shigematsu et al disclose a message transmitting unit of computer 4-1, that transmits important message data 24-1 to the monitoring computer 2, including the address of the computer 4-1 (column 9, lines 53-61), thus disclosing transmitting the location of the monitored component. Further, Ogushi et al disclose computer 108 searching the trouble database for managing the maintenance of the equipment of each factory (i.e., component location) based upon status information (column 4, lines 40-43). As such, it would have been obvious to search the database, based upon both customer identification and component location, since Ogushi et al discloses searching the database with reference to a particular set of equipment associated

with each factory. Neither Ogushi et al nor Shigematsu et al explicitly disclose version information from the component. Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the component via version number (column 2, lines 59-65).

Ogushi et al, Shigematsu et al, and Martinez et al are concerned with effective remote monitoring and determination of operational status of components. Further, Ogushi et al disclose the status information including a broad range of items (column 4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to explicitly include component name, location, and version number of the component in Ogushi et al, as seen in Shigematsu et al and Martinez et al, respectively, as an effective means of determining the most updated information and source location relating to the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more robust.

As per claim 70, Ogushi et al disclose a factory automated component (computer 107 connected to equipment 106, figure 1) comprising: a processor; a memory coupled to a processor; and a network interface coupled to the processor for directly transmitting and receiving data with at least one remote computes system (connected via internet 105, figure 1), wherein the factory component communicates status information to the at least one remote computer system (i.e., operating state including occurrence of trouble is sent to the first party from the location site of the second party, column 3, lines 47-54), the status information comprises customer site

information (i.e., factories 102-104, figure 2), vendor site address information (i.e., e-mail address of host computer 108, column 4, lines 25-30 and vendor URL information, figure 5), component health information (i.e., operating state including occurrence of trouble is sent to the first party from the location site of the second party, column 3, lines 47-54), and the server communicates version upgrade information to at least one component (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1).

Ogushi et al does not explicitly disclose customer name information. Shigematsu et al disclose information transmitted by the monitored computer including name information used for identifying the plurality of computers (column 11, lines 21-25).

Neither Ogushi et al nor Shigematsu et al explicitly disclose version information from the component. Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the component via version number (column 2, lines 59-65).

Ogushi et al, Shigematsu et al, and Martinez et al are concerned with effective remote monitoring and determination of operational status of components. Further, Ogushi et al disclose the status information including a broad range of items (column 4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to explicitly include name and version number information of the component in Ogushi et al, as seen in Shigematsu et al and Martinez et al, respectively, as an effective means of determining the most

updated information and location relating to the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more robust.

As per claim 71, Ogushi et al disclose the status information is communicated periodically (computer 107 periodically monitors the operating states of equipment 106 and communicates the information to vendor 101, column 3, lines 47-54) and includes health information related to the health of the component (i.e., status information including trouble state, column 3, lines 47-54).

As per claim 72, Ogushi et al disclose the processor includes a self-diagnosis device (i.e., computer 107 receives status information about operating state from the equipment in trouble, column 3, lines 61-62).

As per claim 73, Ogushi et al disclose the component includes an enabled mode for receiving communication from the at least one computer and a disabled mode blocking communication from at least one computer (computers 107 and 108 have enabled communication only when both computers are turned on; therefore if one computer is turned off, communication is disabled and blocked, column 3, lines 15-25).

As per claim 74, Ogushi et al discloses a system for monitoring factory automated components electronically (remote maintenance system, column 1, lines 35-38), comprising: a central server adapted to receive status information directly from one or more factory automated components located at one or more customer sites (computer 108 serving as management apparatus for vendor 101, column 3, lines 15-18), the central server being located at a site of a vendor (computer 108

located at vendor site 101), wherein the server is configured to match component status information to customer identification information and component location information of the one or more factory automated components and output this information to the vendor (computer 108 grasps the operating states of equipments 106 in user factories 102-104 via internet 105, column 3, lines 35-38), the status information comprises customer site information (i.e., host computer 107 in factories 102 to 104, column 3, lines 15-18), and vendor site information (i.e., e-mail address of host computer 108, column 4, lines 25-30 and vendor URL information, figure 5), and the server communicates version upgrade information to at least one component (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1).

Ogushi et al does not explicitly disclose component location/source address information. Shigematsu et al disclose a message transmitting unit of computer 4-1, that transmits important message data 24-1 to the monitoring computer 2, including the address of the computer 4-1 (column 9, lines 53-61).

Neither Ogushi et al nor Shigematsu et al explicitly disclose version information from the component. Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the component via version number (column 2, lines 59-65). Ogushi et al, Shigematsu et al, and Martinez et al are concerned with effective remote monitoring and determination of operational status of components. Further, Ogushi et al disclose the status information including a broad range of items (column 4, lines 14-17),

therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to explicitly include version number in Ogushi et al, as seen in Martinez et al, as an effective means of determining the most updated information relating to the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more robust.

As per claim 76, Ogushi et al disclose the server transmits a signal to the one or more components via the at least one remote computer in response to status information from the component that initiates an action to the component (i.e., computer 108 notifies computer 107, which has reported the trouble, of response information about the countermeasure, via the internet 105, column 4, lines 51-56).

As per claim 78, Ogushi et al disclose the status information includes the components health information, such that the vendor can communicate to a customer that the one or more components in the one or more customer sites require attention by the customer (i.e., computer 108 notifies computer 107, which has reported the trouble, of response information about the countermeasure, via the internet 105, column 4, lines 51-56).

As per claim 79, Ogushi et al. discloses a system for providing status information to a vendor on at lease one factory automation component sold by the vendor to at least one customer (vendor 101 providing equipment to factories, column 2, lines 59-63), comprising: means locating at least at least one component at a site of at least one customer (equipment 106 arranged in factories 102-104, column 3, lines 10-14); means for connecting the at least one component to a network connected to a

server of the vendor (LAN for connected to computer 107, which is connected to computer 108 via the internet, column 3, lines 10-12 and 15-18); means for communicating component status information from the at least one component directly to the server of the vendor (computer 107 monitors equipment 106 and notifies vendor 101 of trouble state, column 3, lines 47-54); the status information comprises vendor site address information (i.e., e-mail address of host computer 108, column 4, lines 25-30 and vendor URL information, figure 5), component type information (model of equipment 401, figure 5), customer site information (i.e., host computer 107 in factories 102 to 104, column 3, lines 15-18), means for outputting the customer identification information and component status to the vendor (i.e., computer 107 obtains status information about operating state of the ith equipment and informs vendor 101, column 3, lines 58-64), and the server communicates version upgrade information to at least one component (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1).

Ogushi et al does not explicitly disclose component source address information, and searching a database located on the server of the vendor for customer identification and component location information corresponding to the status information of the at least one component. Shigematsu et al disclose a message transmitting unit of computer 4-1, that transmits important message data 24-1 to the monitoring computer 2, including the address of the computer 4-1 (column 9, lines 53-61), thus disclosing transmitting the location of the monitored component. Further, Ogushi et al disclose computer 108 searching the trouble database for

managing the maintenance of the equipment of each factory (i.e., component location) based upon status information (column 4, lines 40-43). As such, it would have been obvious to search the database, based upon both customer identification and component location, since Ogushi et al discloses searching the database with reference to a particular set of equipment associated with each factory.

Neither Ogushi et al nor Shigematsu et al explicitly disclose version information from the component. Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the component via version number (column 2, lines 59-65).

Ogushi et al, Shigematsu et al, and Martinez et al are concerned with effective remote monitoring and determination of operational status of components. Further, Ogushi et al disclose the status information including a broad range of items (column 4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to explicitly include component name, location, and version number of the component in Ogushi et al, as seen in Shigematsu et al and Martinez et al, respectively, as an effective means of determining the most updated information and source location relating to the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more robust.

8. Claims 50-56, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogushi et al (USPN 6,385,497), in view of Shigematsu et al (USPN 5,432,715),

in further view of Sekizawa (USPN 6,430,711) in further view of Martinez et al (USPN 5,956,665).

As per claim 50, Ogushi et al discloses an internet business communication system (remote maintenance system, column 1, lines 35-38) including; a website adapted to be employed by a vendor for receiving factory automation component status information over the internet directly from a plurality of factory components residing at one or more customer sites and providing this information to the vendor (i.e., computer 108 serving as the management apparatus for vendor 101 through the internet 105, wherein computer 107 notifies status information of equipment 106 from the factor to the vendor 101, column 3, lines 15-22), the status information comprises component type information (model of equipment 401, figure 5), component health information (i.e., operating state of the equipment, column 3, lines 46-50), and customer site information (i.e., host computer 107 in factories 102 to 104, column 3, lines 15-18).

Ogushi et al does not explicitly disclose name information and component location information. Shigematsu et al disclose information transmitted by the monitored computer including name information used for identifying the plurality of computers (column 11, lines 21-25). Further, Shigematsu et al disclose a message transmitting unit of computer 4-1, that transmits important message data 24-1 to the monitoring computer 2, including the address of the computer 4-1 (column 9, lines 53-61).

Neither Ogushi et al nor Shigematsu et al explicitly disclose each component having a different IP address, the website matching component information residing at the vendor's website with the IP address of the component. Sekizawa discloses an agent unit 10 getting status information indicating the operation state of each network printer (see column 19, lines 22-24), and the network printer having a registration log file 12c, including the IP address of the printer (see column 21, lines 9-13).

Ogushi et al disclose the website can communicate patch information to at least one of the plurality of components in response to component version information (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1). Neither Ogushi et al, Shigematsu et al, nor Sekizawa disclose version information from the component. Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the component via version number (column 2, lines 59-65). Ogushi et al, Shigematsu et al, Sekizawa, and Martinez et al are concerned with effective remote monitoring and determination of operational status of components. Further, Ogushi et al disclose the status information including a broad range of items (column 4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to explicitly include version number in Ogushi et al, as seen in Martinez et al, as an effective means of determining the most updated information relating to the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more robust.

As per claim 51, Ogushi et al. does not explicitly disclose the factory automation component status information is periodically received by the vendor (computer 107 periodically monitors the operating states of equipment 106 and communicates the information to vendor 101, column 3, lines 47-54).

As per claim 52, Ogushi et al disclose the status information includes component's health information, such that the vendor can communicate to a customer that one of the plurality of components in the one or more customer sites require attention by the customer (i.e., computer 108 notifies computer 107, which has reported the trouble, of response information about the countermeasure, via the internet 105, column 4, lines 51-56).

As per claim 53, Ogushi et al disclose the facilitator can communicate to a customer that one of the plurality of components in the one or more customer sites require a version update (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1). Neither Ogushi et al, Shigematsu et al, nor Sekizawa disclose version information from the component. Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the component via version number (column 2, lines 59-65). Ogushi et al, Shigematsu et al, Sekizawa, and Martinez et al are concerned with effective remote monitoring and determination of operational status of components. Further, Ogushi et al disclose the status information including a broad range of items (column 4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to explicitly

include version number in Ogushi et al, as seen in Martinez et al, as an effective means of determining the most updated information relating to the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more robust.

As per claims 54 and 55, Ogushi et al disclose the status/component information includes customer identification, and customer site information (see column 3, lines 29-33 and column 4, lines 40-47, all the status information is given to the vendor by a host computer from a factory, all of this information must be included in order for the vendor to look up the problem in the database and fix the equipment). Neither Ogushi et al nor Sekizawa explicitly disclose component location. Shigematsu et al disclose a message transmitting unit of computer 4-1, that transmits important message data 24-1 to the monitoring computer 2, including the address of the computer 4-1 (column 9, lines 53-61). Ogushi et al, Shigematsu et al, and Sekizawa are all concerned with the effective monitoring of machines via a computer network. Further, Ogushi et al disclose the status information including a broad range of items, not an exclusive list (column 4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include component location information in Ogushi et al, as seen in Shigematsu et al, as an effective means of determining the component location information of the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more efficient and robust.

As per claim 56, Ogushi et al disclose the status information includes the component health information and the website can communicate patch information to at least one of the plurality of components in response to component health information (i.e., computer 108 notifies computer 107, which has reported the trouble, of response information about the countermeasure, via the internet 105, column 4, lines 51-56).

As per claim 58, Ogushi et al disclose the website transmits a signal to at least one of the plurality of components in response to status information from the component that initiates an action to the component (i.e., computer 108 notifies computer 107, which has reported the trouble, of response information about the countermeasure, via the internet 105, column 4, lines 51-56).

9. Claims 60 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogushi et al (USPN 6,385,497), in view of Shigematsu et al (USPN 5,432,715), in further view of Martinez et al (USPN 5,956,665), as applied to claims 59 and 60, in further view of Sekizawa (USPN 6,430,711).

As per claim 60, neither Ogushi et al, Shigematsu et al, nor Martinez et al explicitly disclose wherein the status information includes an IP address associated with the component and the step of searching includes matching the customer identification information and component location information corresponding to the IP address included in the status information. Sekizawa discloses an agent unit 10 getting status information indicating the operation state of each network printer (see

column 19, lines 22-24), and the network printer having a registration log file 12c, including the IP address of the printer (see column 21, lines 9-13). Ogushi et al, Shigematsu et al, Martinez et al, and Sekizawa are concerned with the effective monitoring of machines via a computer network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include each component having a different IP address, the website matching component information in Ogushi et al, as seen in Sekizawa, thereby efficiently identifying the machines and their corresponding problems.

As per claim 77, Ogushi et al. disclose the server hosts a website of the vendor and the server matches the component status information with the customer identification information. Ogushi et al does not explicitly disclose component location information by using an IP address associated with the component. Sekizawa discloses an agent unit 10 getting status information indicating the operation state of each network printer (see column 19, lines 22-24), and the network printer having a registration log file 12c, including the IP address of the printer (see column 21, lines 9-13). Both Ogushi et al and Sekizawa are concerned with the effective monitoring of machines via a computer network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include each component having a different IP address, the website matching component information in Ogushi et al, as seen in Sekizawa, thereby efficiently identifying the machines and their corresponding problems.

10. Claims 67 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogushi et al (USPN 6,385,497), in view of Sekizawa (USPN 6,430,711).

As per claims 67 and 68, Ogushi et al. discloses a computer memory, comprising a periodic status message provided by a factory automation component (computer 107 periodically monitors the operating states of equipment 106 and communicates the information to vendor 101, column 3, lines 47-54), the status message including health information relating to the factory automation component (i.e., computer 107 obtains status information about operating state of the ith equipment and informs vendor 101, column 3, lines 58-64). Ogushi et al does not disclose the factory automation component having an IP address, and a vendor website which matches the IP address of the component with customer identification information and component location information. Sekizawa discloses an agent unit 10 getting status information indicating the operation state of each network printer (see column 19, lines 22-24), and the network printer having a registration log file 12c, including the IP address of the printer (see column 21, lines 9-13). Further, the entire system operates by using the Internet and it is common in the art to have a vendor website. Both Ogushi et al and Sekizawa are concerned with the effective monitoring of machines via a computer network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a component that periodically communicates status information to the first party as it allows the party to be updated on any new status information, and each component having a different IP address, the website matching component information in

Ogushi et al, as seen in Sekizawa, thereby efficiently identifying the machines and their corresponding problems. Further, one would be motivated to periodically communicate information as a set time is a more reliable way to determine the occurrence of any status changes.

Response to Arguments

11. In the Remarks, Applicant argues that storing a periodic status message, stored in the computer memory is statutory. The Examiner respectfully disagrees and submits that this is still considered non-functional descriptive material, since storing in computer memory is not considered embodied on a tangible medium. Further, Applicant's reliance on *Eolas Techs., Inc. v. Microsoft Corp.* seems to be misplaced. After reviewing the case, the Examiner first notes that this case deals with software code on a golden master disk. This point is made clear later in the paragraph Applicant points to, where it states "[t]hus this software code claimed in conjunction with a physical structure, such as a disk, fits within at least those two categories of subject matter within the broad statutory label of 'patented invention'." As such, this case does not seem to support Applicant's position.

With respect to independent claims 40, 59, 69, 70, 74, and 79, Applicant argues that Martinez et al fails to teach or suggest a server site of the first party that communicates version upgrade information in response to version information from the component that does not correspond to a latest version. The Examiner respectfully disagrees and submits that Martinez et al disclose the component

attributes including type of the device and version number, thereby able to detect any modification to the component via version number (column 2, lines 59-65). In addition, Ogushi et al disclose a server that communicates version upgrade information to at least one component (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1). As such, the combination of Ogushi et al and Martinez indeed disclose first party that communicates version upgrade information in response to version information from the component.

With respect to claims 67 and 68, Applicant argues that Ogushi does not disclose suggest a status message including health information relating to the factory automation component. The Examiner submits Sekizawa discloses an agent unit 10 getting status information indicating the operation state of each network printer (see column 19, lines 22-24), and the network printer having a registration log file 12c, including the IP address of the printer (see column 21, lines 9-13).

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, all the references include monitoring of devices, thereby solving analogous

problems. Further, Ogushi et al disclose the status information including a broad range of items (column 4, lines 14-17), thereby providing motivation to include additional information to be monitored and communicated by computer 107 from equipment 106.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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adb
October 3, 2005

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